

REMARKS

Claims 1-21 were presented for examination in the present application. The instant amendment cancels non-elected claims 11-21 without prejudice. Thus, claims 1-10 remain pending upon entry of the instant amendment. Claims 1 and 10 are independent.

Applicants respectfully reserve the right to file a divisional application directed to the non-elected subject matter.

The Office Action objected to the title for failure to reflect the claimed method. The title has been amended to conform to the claimed subject matter. Reconsideration and withdrawal of the objection to the specification are respectfully requested.

Independent claims 1 and 10, as well as dependent claims 2-9, were rejected under 35 U.S.C. §103 over Japanese Publication No. 11-157939 to Hirao et al. (Hirao) in view of U.S. Publication No. 2002/0106611 to Bhaduri et al. (Bhaduri).

Applicants respectfully traverse these rejections.

Claim 1 recites, in part, that the materials to be sintered are "arranged in a vessel" and that "besides being built from primary materials for the structure of the vessel, the vessel is built from a secondary material (emphasis added)". Further, claim 1 recites the step of "introducing, via said microwaves, sintering energy into the materials".

Thus, claim 1 requires the step of introducing sintering energy into the materials, where the materials are arranged in a vessel that is built from primary materials and a secondary material.

Applicants submit that the Office Action has failed to make a *prima facie* case of obviousness of claim 1 over the proposed combination of Hirao and Bhaduir.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). More particularly, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art. *Id.*; *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

In contrast to the claimed vessel made of primary and secondary materials, the Office Action asserts that Hirao discloses sintering a material that itself is made of a primary material and a secondary material.

Clearly, the sinter material of Hirao does not disclose or suggest the vessel of claim 1. As such, Applicants submit that the Office Action has failed to meet the burden of establishing that all elements of claim 1 are disclosed by Hirao.

Further, Bhaduri is merely asserted by the Office Action as disclosing microwave sintering of dental parts at particular frequencies. As such, Applicants also submit that the Office Action has failed to meet the burden of establishing that all elements of claim 1 are disclosed by Bhaduri.

Thus, the Office Action has failed to make a *prima facie* case that the cited art, alone or in combination, discloses or suggests the claimed method of introducing sintering energy into the materials, where the materials are arranged in a vessel that is built from primary materials and a secondary material.

Accordingly, claim 1 is not disclosed or suggested by the cited art. Claim 1, as well as claims 2-9 that depend therefrom, are therefore believed to be in condition for allowance over the cited art. Reconsideration and withdrawal of the rejection to claims

1-9 are respectfully requested.

Independent claim 10 recites "ceramic masses that are to be sintered being arranged in a vessel" and that "besides being built from primary materials for the structure of the vessel, the vessel is built from a secondary material" (emphasis added). Further, claim 10 recites the step of "introducing, via said microwaves, sintering energy into said ceramic masses to be sintered".

Thus, claim 10, similar to claim 1 discussed in detail above, requires the step of introducing sintering energy into ceramic masses to be sintered, where the ceramic masses are arranged in a vessel that is built from primary materials and a secondary material.

For at least the reasons discussed above with respect to claim 1, Applicants respectfully submit that the Office Action has failed to make a *prima facie* case that the proposed combination of Hirao and Bhaduri discloses or suggests the method recited by claim 10.

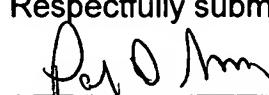
Accordingly, claim 10 is not disclosed or suggested by the cited art. Claim 10 is therefore believed to be in condition for allowance over the cited art. Reconsideration and withdrawal of the rejection to claim 10 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

October 1, 2008


Paul D. Greeley
Registration No. 310019
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401